

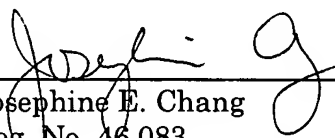
Effective November 29, 1999, § 103(c) was amended to add that subject matter that only qualifies as prior art under 35 U.S.C 102(e) and was commonly owned, or subject to an obligation of assignment to the same person, at the time the invention was made cannot be applied in a rejection under 35 U.S.C. 103(a). Enclosed are copies of assignments and notices of recordations for Michels et al. and the present application establishing their common ownership by "Packet Engines Incorporated." The assignment of Michels et al. to Packet Engines was recorded in the Assignment Division of the Patent and Trademark Office on October 28, 1998, on reel 9581, frame 0813. The assignment of the present application to Packet Engines was recorded in the Assignment Division of the Patent and Trademark Office on October 28, 1998, on reel 9581, frame 0803. (Thus, Michels et al. and the present application are commonly owned) Michels et al. must therefore be disqualified as prior art under 35 U.S.C. § 103(c).

In view of the foregoing remarks, Applicant respectfully requests that this Preliminary Amendment be entered, and that claims pending in this application be allowed.

Respectfully submitted,

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